



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER IV

GOVERNMENT OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Governing bodies of aided and special agreement schools

84 Constitution of the governing body of an aided or special agreement school.

- (1) The instrument of government for an aided or special agreement school shall provide for the governing body to include—
 - (a) the head teacher, unless he chooses not to be a governor,
 - (b) at least one parent governor,
 - (c) at least one governor appointed by the local education authority,
 - (d) at least one teacher governor if the school has less than 300 registered pupils, and at least two teacher governors if it has 300 or more registered pupils, and
 - (e) foundation governors.
- (2) The instrument shall provide for such number of foundation governors as will lead to their outnumbering the other governors—
 - (a) by two, if the governing body will consist of not more than 18 governors; or
 - (b) by three, if it will consist of more than 18 governors,and shall provide for at least one of the foundation governors to be (at the time of his appointment) a parent of a registered pupil at the school.
- (3) If the school is a primary school serving an area for which there is a minor authority, the instrument shall provide for the governing body to include also at least one governor appointed by that authority.

Status: Point in time view as at 14/06/1997.

Changes to legislation: Education Act 1996, Cross Heading: Governing bodies of aided and special agreement schools is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Where the head teacher of an aided or special agreement school has chosen not to be a governor, he shall nevertheless be counted as one for the purposes of calculating the required number of foundation governors.
- (5) Subject to subsection (2), nothing in this section shall be taken to prevent the instrument of government for such a school from providing for the governing body to include governors in addition to those required by virtue of this section.
- (6) Where the head teacher of such a school is a governor he shall be treated for all purposes as being an ex officio governor.

Modifications etc. (not altering text)

C1 S. 84(2) amended (1.11.1996) by 1996 c. 57, ss. 27(8), 48(2)

85 Sponsor governors for aided secondary schools.

- (1) The instrument of government for any secondary school which is an aided school shall, if a direction given by the Secretary of State under this section so requires—
 - (a) name as a sponsor of the school a person specified in the direction, and
 - (b) provide for the governing body of the school to include such number of governors appointed by the sponsor, not exceeding four, as is so specified.
- (2) A direction under this section in respect of a school, other than one under subsection (4) or (5)—
 - (a) may only be given at the request, or with the consent, of the governing body, and
 - (b) may make provision (including the modification of any provision made by or under this Chapter) as to the time by which a new instrument of government is to be made and the consent and consultation which is to be required before it is made.
- (3) A direction under this section varying or revoking a previous direction—
 - (a) may only be made after consulting the governing body, and
 - (b) may make provision (including the modification of any provision made by or under this Chapter) as to the time by which a new instrument of government is to be made and the consent and consultation which is to be required before it is made.
- (4) Where proposals approved under section 43—
 - (a) provide for a secondary school to be maintained by the local education authority as a voluntary school, and
 - (b) name a person as a sponsor of the school, and
 - (c) provide for the governing body of the school to include a specified number of governors, not exceeding four, appointed by the sponsor,

the Secretary of State shall, if he makes an order under section 48 directing that the school shall be an aided school, give a direction under this section for the purpose of implementing the proposals.
- (5) Where an order under section 54 directs that a secondary school shall be an aided school and the proposals published by the governing body under section 52—

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- (a) name a person as a sponsor of the school, and
 - (b) provide for the governing body of the school to include a specified number of governors, not exceeding four, appointed by the sponsor,
- the Secretary of State shall give a direction under this section for the purpose of implementing the proposals.
- (6) Where the instrument of government for any secondary school which is an aided school names two or more persons as sponsors of the school—
 - (a) the number of governors appointed under the instrument by virtue of this section may not exceed four, and
 - (b) the instrument may not provide for any of those governors to be appointed by two or more sponsors acting jointly.
 - (7) Where in pursuance of this section the instrument of government for a school names a person as a sponsor of the school, section 84(2) shall have effect as if it required the instrument to provide for such number of foundation governors as will lead to their outnumbering the other governors by two.
 - (8) In this section “direction” means a direction contained in an order made by the Secretary of State.

Status:

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